

NORRIS McLAUGHLIN & MARCUS, PA  
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Attorneys for Defendants,  
Austin B. Sayre, Jr. and F. Stuart Sayre

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

MORGAN ADVANCED CERAMICS, INC.,	:	CIVIL ACTION NO: 2:07-CV-04761 (SDW-MCA)
	:	ELECTRONICALLY FILED
v.	:	RETURN DATE: FEBRUARY 19, 2008
	:	ORAL ARGUMENT REQUESTED
AUSTIN B. SAYRE, JR., <u>et als.</u> ,	:	NOTICE OF MOTION TO DISMISS COUNT I (CERCLA) OF THE COMPLAINT OR, IN THE ALTERNATIVE, TO EITHER SUBMIT IT TO
Defendants.	:	ARBITRATION OR STAY IT

To: Robert W. Muilenburg II , Esq.  
Coughlin Duffy LLP  
P.O. Box 1917  
350 Mount Kemble Avenue  
Morristown, NJ 07962

Sir:

**PLEASE TAKE NOTICE** that on February 19, 2008 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendants, Austin B. Sayre, Jr. and F. Stuart Sayre, with regard to Count I (the CERCLA Count) of the Complaint, will move before the Honorable Susan D. Wigenton, U.S.D.J., at the Martin Luther King, Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an order dismissing Count

I (the CERCLA Cost Recovery Count) against Austin B. Sayre, Jr. and F. Stuart Sayre or, in the alternative, to refer Count I to arbitration or to stay Count I pending the completion of arbitration on Counts II (breach of contract) and Count III (declaratory judgment) of the Complaint.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, the movants will rely upon the accompanying Memorandum of Law and the Declaration of Martha N. Donovan, Esq. and all exhibits thereto. Alternative proposed Forms of Order are submitted herewith.

Oral argument is requested if the motion is opposed.

Dated: January 18, 2008

NORRIS, McLAUGHLIN & MARCUS

By: s/ *Martha N. Donovan*

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Attorneys for Defendants,  
Austin B. Sayre, Jr., and F. Stuart Sayre  
on Count 1 of the Complaint

CERTIFICATION OF SERVICE

I hereby certify that on January 18, 2008, I caused this Notice of Motion, Memorandum of Law, Declaration of Martha N. Donovan, Esq. and exhibits thereto, together with Alternative Proposed Forms of Order to be served upon all parties to the captioned action via electronic service if they have entered an appearance and by regular mail on counsel for all other parties.

*s/ Martha N. Donovan*

Dated: January 18, 2008